

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

THE STATE OF OHIO,

and

THE UNITED STATES OF AMERICA,

Plaintiffs,

v.

Civil Case No. 23-cv-517
Hon. John R. Adams

NORFOLK SOUTHERN RAILWAY
COMPANY,

and

NORFOLK SOUTHERN CORPORATION,

Defendants.

STATUS REPORT

The United States hereby submits this Status Report in accordance with the April 15, 2024 Case Management Plan.

1. Discovery That Has Occurred During the Reporting Period

The United States and Norfolk Southern reached agreement on a settlement, which was lodged with the Court on May 23, and thus have not been engaged in discovery since the United States served interrogatories and requests for production on May 1.

2. Settlement Discussions That Have Occurred During the Period

The United States and Norfolk Southern reached agreement on a settlement, which was lodged with the Court on May 23. The settlement, if approved, would resolve all the claims in the United States' complaint, so no further settlement discussions have occurred.

3. Motions That Have Been Filed or Remained Pending During the Reporting Period

On June 14, the United States and Norfolk Southern moved this Court for a stay of deadlines in the Case Management Plan due to having reached a settlement. The time for opposing the motion has elapsed and no opposition has been raised. The motion remains pending before the Court.

4. Developments That Might Give Rise to a Request to Deviate from the Schedule Outlined in the Case Management Plan

The United States and Norfolk Southern moved this Court for a stay of deadlines in the Case Management Plan due to having reached a settlement. The United States is reviewing and carefully considering over 120 public comments from private individuals, state and local government, industry, and other organizations. The United States anticipates filing a motion on or near September 30, 2024 responding to public comments and requesting entry of the proposed Consent Decree. The public comments will be filed on the docket with the motion. If the United States is unable to file its motion by September 30, it will so advise the Court.

Respectfully submitted,

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